

**Eastern District of Washington  
U.S. District Court (Spokane)  
CIVIL DOCKET FOR CASE #: 2:11-cv-00278-LRS**

Cappello Capital Corp v. AmericanWest Bank et al  
Assigned to: Judge Lonny R. Suko  
Demand: \$11,000  
Case in other court: California Central, 2:11-cv-01838  
Cause: 28:1441 Petition for Removal– Breach of Contract

Date Filed: 07/28/2011  
Date Terminated: 08/22/2011  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Federal Question

Date Filed	#	Page	Docket Text
03/03/2011	<u>1</u>	7	NOTICE OF REMOVAL from Superior Court State of CA County of Los Angeles, case number SC111307 with Conformed copy of summons and complaint. Case assigned to Judge Margaret M. Morrow, Discovery to Magistrate Judge Andrew J Wistrich. (Filing fee \$ 350 PAID), filed by Defendant AmericanWest Bank.(car) (Additional attachment(s) added on 3/7/2011: # <u>1</u> PART 2, # <u>2</u> PART 3, # <u>3</u> PART 4, # <u>4</u> PART 5) (mg). [Transferred from California Central on 7/28/2011.] (Entered: 03/04/2011)
03/03/2011	<u>2</u>	783	CERTIFICATE of Interested Parties filed by Defendant AmericanWest Bank, identifying Corporate Parent Starbuck Bancshares, Inc., Other Affiliate AmericanWest Bancorporation, Other Affiliate SKABHC Hawks Nest Acquisition Corp. for AmericanWest Bank. (car) (mg). [Transferred from California Central on 7/28/2011.] (Entered: 03/04/2011)
03/03/2011	<u>3</u>	785	NOTICE of Related Case(s) filed by Defendant AmericanWest Bank. Related Case(s): No related case (car) (mg). [Transferred from California Central on 7/28/2011.] (Entered: 03/04/2011)
03/03/2011	<u>4</u>	788	PROOF OF SERVICE filed by Defendant AmericanWest Bank, re Notice of Related Case(s) <u>3</u> , Notice of Removal, <u>1</u> , Certificate of Interested Parties, <u>2</u> , Civil Cover Sheet served on 3/3/11. (car) (mg). [Transferred from California Central on 7/28/2011.] (Entered: 03/04/2011)
03/04/2011	<u>5</u>	790	JOINDER filed by Defendant Sandler ONeill and Partners L.P. joining in Notice of Removal, <u>1</u> . (Kula, Donald) [Transferred from California Central on 7/28/2011.] (Entered: 03/04/2011)
03/04/2011	<u>6</u>	794	PROOF OF SERVICE filed by Defendant AmericanWest Bank, <i>Service of Clerk's Office Services, Notice to Counsel, Professional Guidelines &amp; Notice of Assignment</i> served on 3/2/11. (Haas, Mary) [Transferred from California Central on 7/28/2011.] (Entered: 03/04/2011)

03/04/2011	<u>7</u>	796	PROOF OF SERVICE filed by Defendant AmericanWest Bank, re Proof of Service (subsequent documents) <u>4</u> , Notice of Related Case(s) <u>3</u> , Notice of Removal, <u>1</u> , Certificate/Notice of Interested Parties, <u>2</u> <i>Clerk's Office Services, Notice to Counsel, Notice of Assignment &amp; USDC Guidelines</i> served on 3/3/11. (Haas, Mary) [Transferred from California Central on 7/28/2011.] (Entered: 03/04/2011)
03/11/2011	<u>8</u>	799	ANSWER to Notice of Removal, <u>1</u> <i>Answer of Defendant Sandler O'Neill &amp; Partners, L.P.</i> filed by Defendant Sandler O'Neill and Partners L.P..(Kula, Donald) [Transferred from California Central on 7/28/2011.] (Entered: 03/11/2011)
03/14/2011	<u>9</u>	814	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Answer to Complaint <u>8</u> . The following error(s) was found: Local Rule 7.1-1 No Certification of Interested Parties and or no copies. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (bp) [Transferred from California Central on 7/28/2011.] (Entered: 03/14/2011)
03/14/2011	<u>10</u>	815	IN CHAMBERS ORDER SETTING SCHEDULING CONFERENCE by Judge Margaret M. Morrow:Scheduling Conference set for 5/16/2011 09:00 AM before Judge Margaret M. Morrow. Joint 26(f) Report due 05/09/2011. (ah) [Transferred from California Central on 7/28/2011.] (Entered: 03/14/2011)
03/14/2011	<u>11</u>	816	NOTICE OF MOTION AND MOTION to Transfer Case to Eastern District of WA <i>or Stay; Memorandum of Points and Authorities</i> filed by Defendant AmericanWest Bank. Motion set for hearing on 7/11/2011 at 10:00 AM before Judge Margaret M. Morrow. (Attachments: # <u>1</u> Declaration of Dillon Jackson, # <u>2</u> Declaration of Scott Kisting)(Haas, Mary) [Transferred from California Central on 7/28/2011.] (Entered: 03/14/2011)
03/14/2011	<u>12</u>	852	ANSWER, <u>1</u> and COUNTERCLAIM against Cappello Capital Corp. filed by defendant AmericanWest Bank.(bp) [Transferred from California Central on 7/28/2011.] (Entered: 03/15/2011)
03/17/2011	<u>13</u>	879	STATEMENT In Accordance with Bankruptcy Rule 9027(e)(3) filed by Plaintiff Cappello Capital Corp. re: Notice of Removal, <u>1</u> . (Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 03/17/2011)
03/22/2011	<u>14</u>	882	<i>Defendant Sandler O'Neill &amp; Partners, L.P.'s Disclosure Statement</i> and NOTICE of Interested Parties filed by Defendant Sandler O'Neill and Partners L.P., (Kula, Donald) [Transferred from California Central on 7/28/2011.] (Entered: 03/22/2011)
03/22/2011	<u>15</u>	884	NOTICE Defendant Sandler O'Neill & Partners, L.P.'s Notice of

			Pendency of Other Actions or Proceedings filed by Defendant Sandler O'Neill and Partners L.P.. (Kula, Donald) [Transferred from California Central on 7/28/2011.] (Entered: 03/22/2011)
03/22/2011	<u>16</u>	887	NOTICE OF MOTION AND MOTION for Joinder in MOTION to Transfer Case to Eastern District of WA <i>or Stay</i> ; <i>Memorandum of Points and Authorities</i> <u>11</u> filed by Defendant Sandler O'Neill and Partners L.P.. Motion set for hearing on 7/11/2011 at 10:00 AM before Judge Margaret M. Morrow. (Kula, Donald) [Transferred from California Central on 7/28/2011.] (Entered: 03/22/2011)
04/04/2011	<u>17</u>	891	NOTICE OF MOTION AND MOTION to Remand Case to Los Angeles Superior Court filed by Plaintiff Cappello Capital Corp.. Motion set for hearing on 7/25/2011 at 10:00 AM before Judge Margaret M. Morrow. (Attachments: # <u>1</u> Proposed Order)(Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 04/04/2011)
04/04/2011	<u>18</u>	919	DECLARATION of Alexander L. Cappello in support of MOTION to Remand Case to Los Angeles Superior Court <u>17</u> filed by Plaintiff Cappello Capital Corp.. (Attachments: # <u>1</u> Exhibits A–F)(Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 04/04/2011)
04/04/2011	<u>19</u>	951	ANSWER to <i>AmericanWest Bank's Counterclaims</i> filed by Plaintiff Cappello Capital Corp..(Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 04/04/2011)
04/08/2011	<u>20</u>	963	MINUTE ORDER IN CHAMBERS Order Advancing Briefing to Motion to Stay by Judge Margaret M. Morrow: On March 14, 2011, defendant American West Bank filed a motion to stay the instant action or to transfer the case to the Eastern District of Washington. The court hereby advances briefing on defendant's motions as follows. Any opposition by plaintiff must be filed on or before April 25, 2011. Any reply by defendants must be filed on or before May 2, 2011. (bp) [Transferred from California Central on 7/28/2011.] (Entered: 04/08/2011)
04/25/2011	<u>21</u>	964	MEMORANDUM in Opposition to MOTION to Transfer Case to Eastern District of WA <i>or Stay</i> ; <i>Memorandum of Points and Authorities</i> <u>11</u> filed by Plaintiff Cappello Capital Corp.. (Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 04/25/2011)
04/25/2011	<u>22</u>	995	DECLARATION of Alexander L. Cappello in opposition to MOTION to Transfer Case to Eastern District of WA <i>or Stay</i> ; <i>Memorandum of Points and Authorities</i> <u>11</u> filed by Plaintiff Cappello Capital Corp.. (Attachments: # <u>1</u> Exhibits A–F)(Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 04/25/2011)
04/28/2011	<u>23</u>	1027	APPLICATION for attorney David Tarshes to Appear Pro Hac

			Vice. (PHV FEE PAID.) filed by defendant AmericanWest Bank. Lodged lodged proposed order. (bp) [Transferred from California Central on 7/28/2011.] (Entered: 04/29/2011)
04/28/2011	<u>24</u>	1031	ORDER by Judge Margaret M. Morrow: granting <u>23</u> Application to Appear Pro Hac Vice by Attorney David Tarshes on behalf of Defendant Americanwest Bank, designating Mary H. Haas as local counsel. (vh) [Transferred from California Central on 7/28/2011.] (Entered: 04/29/2011)
04/29/2011	<u>25</u>	1032	Joint STIPULATION to Reschedule Hearing Date On Plaintiff's Pending Motion For Remand filed by Plaintiff Cappello Capital Corp.. (Attachments: # <u>1</u> Proposed Order)(Wisnia, Ilan) [Transferred from California Central on 7/28/2011.] (Entered: 04/29/2011)
05/02/2011	<u>26</u>	1038	REPLY In Support of Motion MOTION to Transfer Case to Eastern District of WA <i>or Stay</i> ; <i>Memorandum of Points and Authorties</i> <u>11</u> filed by Defendant AmericanWest Bank. (Attachments: # <u>1</u> Declaration With Exhibits A-C)(Haas, Mary) [Transferred from California Central on 7/28/2011.] (Entered: 05/02/2011)
05/02/2011	<u>27</u>	1120	REPLY in Support of MOTION for Joinder in MOTION to Transfer Case to Eastern District of WA <i>or Stay</i> ; <i>Memorandum of Points and Authorties</i> <u>11</u> MOTION for Joinder in MOTION to Transfer Case to Eastern District of WA <i>or Stay</i> ; <i>Memorandum of Points and Authorties</i> <u>11 16</u> filed by Defendant Sandler O'Neill and Partners L.P.. (Kula, Donald) [Transferred from California Central on 7/28/2011.] (Entered: 05/02/2011)
05/02/2011	<u>28</u>	1125	MINUTE ORDER IN CHAMBERS Order Advancing Hearing Date on Motion to Remand <u>17</u> ; Advancing Briefing by Judge Margaret M. Morrow: On April 28, 2011, the parties filed a joint stipulation <u>25</u> to advance the hearing date on plaintiff's motion to remand to July 11, 2011 at 10:00 a.m. The court hereby grants the parties' request and sets the following briefing schedule. Defendants may file an opposition on or before May 16, 2011. Plaintiff may file a reply on or before may 23, 2011. (bp) [Transferred from California Central on 7/28/2011.] (Entered: 05/03/2011)
05/09/2011	<u>29</u>	1126	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 7 to 10 days, filed by Plaintiff Cappello Capital Corp... (Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 05/09/2011)
05/16/2011	<u>30</u>	1133	Opposition Opposition re: MOTION to Remand Case to Los Angeles Superior Court <u>17</u> filed by Defendant AmericanWest Bank. (Attachments: # <u>1</u> Declaration of David C. Tarshes With Exhibit A)(Haas, Mary) [Transferred from California Central on 7/28/2011.] (Entered: 05/16/2011)

05/16/2011	<u>31</u>	1226	MINUTES OF Scheduling Conference held before Judge Margaret M. Morrow. After conferring with counsel, the court declines to issue case management dates at this time. The court will first rule on the pending motions to remand and transfer currently set for July 11, 2011 at 10:00 a.m.Court Reporter: Mark Schweitzer. (bp) [Transferred from California Central on 7/28/2011.] (Entered: 05/16/2011)
05/16/2011	<u>32</u>	1227	JOINDER filed by Defendant Sandler ONeill and Partners L.P. joining in Objection/Opposition (Motion related) <u>30</u> . (Kula, Donald) [Transferred from California Central on 7/28/2011.] (Entered: 05/16/2011)
05/16/2011	<u>33</u>	1229	ORDER DENYING AS MOOT BY ORDER OF THE COURT RE STIPULATION REQUESTING ORDER CONSOLIDATING HEARING DATES AND ADVANCING BRIEFING SCHEDULE by Judge Margaret M. Morrow, (bp) [Transferred from California Central on 7/28/2011.] (Entered: 05/17/2011)
05/23/2011	<u>34</u>	1232	REPLY in support MOTION to Remand Case to Los Angeles Superior Court <u>17</u> filed by Plaintiff Cappello Capital Corp.. (Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 05/23/2011)
05/23/2011	<u>35</u>	1262	DECLARATION of David S. Shukan in support of MOTION to Remand Case to Los Angeles Superior Court <u>17</u> filed by Plaintiff Cappello Capital Corp.. (Attachments: # <u>1</u> Exhibit A – Part 1 of 3, # <u>2</u> Exhibit A – Part 2 of 3, # <u>3</u> Exhibit A – Part 3 of 3, # <u>4</u> Exhibit B)(Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 05/23/2011)
06/08/2011	<u>36</u>	1372	STIPULATION for Protective Order filed by Plaintiff Cappello Capital Corp.. (Attachments: # <u>1</u> Proposed Order)(Valle, Jeffrey) [Transferred from California Central on 7/28/2011.] (Entered: 06/08/2011)
07/11/2011	<u>37</u>	1391	MINUTES OF Defendants Motion to Transfer <u>11</u> ; Joinder by Defendant Sandler ONeil &Partners L.P. <u>16</u> ; Plaintiffs Motion to Remand <u>17</u> held before Judge Margaret M. Morrow: The court takes the motions unser submission.Court Reporter: Mark Schweitzer. (ah) [Transferred from California Central on 7/28/2011.] (Entered: 07/12/2011)
07/22/2011	<u>38</u>	1392	MINUTE ORDER IN CHAMBERS by Magistrate Judge Andrew J. Wistrich: re: Stipulation for Protective Order <u>36</u> .The parties' joint request for court approval of the stipulated protective order is denied without prejudice to its renewal on the basis of a more adequate record. (yb) [Transferred from California Central on 7/28/2011.] (Entered: 07/25/2011)
07/25/2011	<u>39</u>	1393	ORDER GRANTING DEFENDANTS' MOTION TO TRANSFER by Judge Margaret M. Morrow. Defendants' motion to transfer the action to the Eastern District of

			Washington under 28 U.S.C. 1412 is granted. (MD JS-6. Case Terminated.) (bp) [Transferred from California Central on 7/28/2011.] (Entered: 07/28/2011)
07/28/2011	<u>40</u>	1422	TRANSMITTAL of documents: An order having been transferring the above-numbered case to your district, we are transmitting herewith our file: Electronic Documents are accessible through Pacer. (bp) [Transferred from California Central on 7/28/2011.] (Entered: 07/28/2011)
07/28/2011	<u>41</u>	1423	Case transferred in from District of California Central; Case Number 2:11-cv-01838. Original file certified copy of transfer order and docket sheet received. (Entered: 07/28/2011)
08/11/2011	<u>42</u>	1435	MOTION to Appear Pro Hac Vice re Attorney: David S. Shukan of Valle Makoff, LLP. Filing fee \$ 150, receipt number 0980-1153437. by Cappello Capital Corp. (Attachments: # <u>1</u> Text of Proposed Order)(O'Rourke, Daniel) Modified on 8/16/2011 <b>amended application filed under ECF No. <u>45</u></b> (CV, Case Administrator). (Entered: 08/11/2011)
08/11/2011	<u>43</u>	1440	MOTION to Appear Pro Hac Vice re Attorney: Jeffrey B. Valle of Valle Makoff, LLP. Filing fee \$ 150, receipt number 0980-1153452. by Cappello Capital Corp. (Attachments: # <u>1</u> Text of Proposed Order)(O'Rourke, Daniel) Modified on 8/16/2011 <b>amended application filed under ECF No. <u>46</u></b> (CV, Case Administrator). (Entered: 08/11/2011)
08/12/2011	<u>44</u>	1445	SUPPLEMENT to Rule 26(a) Disclosures of AmericanWest Bank by AmericanWest Bank. (Tarshes, David) (Entered: 08/12/2011)
08/12/2011	<u>45</u>	1450	AMENDED DOCUMENT by Cappello Capital Corp. Amendment to <u>42</u> MOTION to Appear Pro Hac Vice re Attorney: David S. Shukan of Valle Makoff, LLP. Filing fee \$ 150, receipt number 0980-1153437.. (Attachments: # <u>1</u> Text of Proposed Order)(O'Rourke, Daniel) (Entered: 08/12/2011)
08/12/2011	<u>46</u>	1455	AMENDED DOCUMENT by Cappello Capital Corp. Amendment to <u>43</u> MOTION to Appear Pro Hac Vice re Attorney: Jeffrey B. Valle of Valle Makoff, LLP. Filing fee \$ 150, receipt number 0980-1153452.. (Attachments: # <u>1</u> Text of Proposed Order)(O'Rourke, Daniel) (Entered: 08/12/2011)
08/19/2011	47	1460	ORDER <b>GRANTING</b> <u>42</u> Motion for Leave to Appear Pro Hac Vice. Added Attorney David S. Shukan for Cappello Capital Corp; and <b>GRANTING</b> <u>43</u> Motion for Leave to Appear Pro Hac Vice. Added Attorney Jeffrey B. Valle for Cappello Capital Corp. Motions to Appear Pro Hac Vice are GRANTED pursuant to Local Rule 83.2(c)(1) of the United States District Court, Eastern District of Washington. Counsel of record, Dan O'Rourke, shall sign all pleadings, motions and other papers prior to filing and shall meaningfully participate in the case. Signed by Judge Lonny R. Suko. Text-only entry; no PDF will

			follow. This text-only entry constitutes the Court order or notice on the matter. (GT, Judicial Assistant) (Entered: 08/19/2011)
08/22/2011	<u>48</u>	1462	ORDER TRANSFERRING CASE AND REMAND MOTION TO BANKRUPTCY COURT; This case and the pending Motion to Remand to Los Angeles Superior Court is transferred to US Bankruptcy Court, Eastern District of Washington. Copy of file and docket sheet sent. Signed by Judge Lonny R. Suko. (CV, Case Administrator) (Entered: 08/22/2011)